IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLAGTE JURISDICTION

CRIMINAL APPLICATION NO. 1470 OF 2006.

Ravikant Harischandra Shinde .. Applicant
V/s
The State of Maharashtra. .. Respondent.

Mr. Subhash Jha i/b Ghanshyam Upadhyay for the applicant
Mr. R.Y. Mirza, A.P.P. for the State.

CORAM : S.C. DHARMADHIKARI, J.
DATE : 21ST AUGUST, 2006.

P.C.

. Mr. Jha has submitted that the approach of the learned trial Judge in rejecting the application for bail is wholly erroneous and unsustainable. The application for bail has been rejected on 23rd March, 2006. Prior there to, number of prosecution witnesses have been examined during the course of trial. The learned Judge has observed fairly that some of them have not supported the case of the prosecution. In such circumstances, and, when the other accused have been enlarged on bail by this Court, the application of the present applicant could not have been rejected.

2. I have perused the application and annexures thereto with the assistance of Mr. Jha for the applicant and Mr. Mirza for the respondent.

3. The order passed by the learned Additional Sessions Judge, on 23rd March, 2006 refers to the aspect of some of the witnesses not supporting the prosecution. In my view, after this order the proceedings have progressed further. There is time limit set for conclusion of the trial. In such circumstances, appropriate course would be to direct the trial Court that, in the event the applicant presents an application for bail afresh the same shall be considered on merits and in accordance with law without being influenced by any observations made in the order dated 23 March, 2006 and the disposal of the present application by this Court.

4. This application is disposed of only to enable the applicant to file a fresh bail application, as in my view the best person to appreciate the materials available on record would be the trial Judge before whom the trial is presently going on. Any expression by this Court would prejudice both sides either way. In such circumstances, with liberty to apply for bail afresh before the trial Court, the present application is disposed of.

(S.C. DHARMADHIKARI, J.)